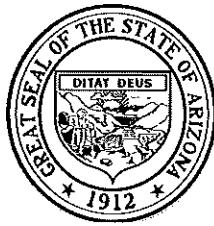


KATIE HOBBS
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 - PHOENIX, ARIZONA 85007

PHONE: (602) 364-1-PET - FAX: (602) 364-1039

VETBOARD.AZ.GOV

MINUTES

December 13, 2023 at 8:30am
1740 W. Adams Street, Board Room B
Phoenix, Arizona 85007

Members Present: Dr. Robyn Jaynes, Dr. Melissa Thompson, Ms. Jane Solomon, Mr. Jim Loughead, Dr. Darren Wright, Ms. Jessica Creager, and Dr. Craig Nausley.

Members Absent: Ms. Nikki Frost, CVT and Dr. J. Greg Byrne.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director; Mr. Marc Harris, AAG (Assistant Attorney General); and Ms. Tracy Riendeau, CVT, Senior Medical Investigator; and Annelise VanSchoelandt, Premises Compliance Specialist;

I. CALL TO ORDER

Roll call: Dr. Jaynes at 8:34am.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES

1. 23-155, In Re: Ivory Wildflower, DVM

Dr. Wright and Dr. Thompson were recused. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughead to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 5 ayes, 2 recusals.

2. 23-156, In Re: Brian Sessink, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Solomon to modify the Investigative Committee's recommendation and dismiss this issue with no violation and issue a **Letter of Concern** with respect to missing the full information on the radiology report with respect to the neoplastic mass. Motion passed unanimously.

3. 23-157, In Re: Kahla Merrett, DVM

Dr. Merrett was present with attorney Cynthia Patane and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms.

Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

4. 23-158, In Re: Darla Wright, DVM

After discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Soloman to reject with the Investigative Committee's recommendation and offer Dr. Wright a **Consent Agreement** finding her in violation of:

- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (M) (1 – 5)** Failure to have radiographs permanently labeled with the name of the animal owner; name of animal; date radiographs was taken; name of veterinarian or veterinary medical premises; and anatomical orientation; and
- **A.R.S. § 32-2233 (B) (3)** Minor records violations that are routine entries into a medical record and do not affect the diagnosis or care of the animal.

Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Soloman to adopt the Investigative Committee's proposed Findings of Fact as the Board's Findings of Fact with amendments. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Soloman to offer Dr. Wright a Consent Agreement that includes a period of **Probation of 1-year** to obtain an additional three **(3) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those three (3) hours shall be in **medical record keeping**. If the Consent Agreement is not signed in 30 days, the matter shall be scheduled for an Informal Interview. Roll call: Mr. Loughead, aye; Dr. Thompson, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

5. 23-160, In Re: Jennifer LaVigne, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Mr. Loughead to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

6. 23-161, In Re: Eric Boshoven, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to disagree with the Investigative Committee's recommendation and find Dr. Boshoven in violation of ARS § 32-2232 (12) as it relates to AAC R3-11-501 (1) failure to provide professionally acceptable procedure and use of current professional and scientific knowledge for not recognizing a significant abnormality on the cat's thoracic radiographs leading to an unnecessary surgery. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughead to offer Dr. Boshoven a Consent Agreement and adopt the Investigative Committee's proposed Findings of Fact as the Board's Findings of Fact. Motion passed unanimously.

- At 2:11pm, after discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 2:15pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to issue Dr. Boshoven an Consent Agreement a period of Probation of 90-days to reimburse the pet owner \$2,006 within the Probationary period. If the Consent Agreement is not signed in 30 days, the matter will be scheduled to an Informal Interview. Roll call: Mr. Loughead, nay; Dr. Thompson, nay; Ms. Soloman, aye; Dr. Jaynes, nay; Ms. Creager, nay; Dr. Nausley, aye; and Dr. Wright, aye. **Motion failed 4 nays, 3 ayes.**

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed unanimously.

7. 24-01, In Re: Sarah Matyjaszek, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughead to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

8. 24-02, In Re: Diego Florez, DVM

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughead to modify the Investigative Committee's recommendation and dismiss this issue with no violation and issue a **Letter of Concern** with respect to sedating the pet without exam prior – No VCPR; improving communications with pet owners before/after visit; and reviewing staffs' statutory abilities. Roll call: Mr. Loughead, aye; Dr. Thompson, aye; Ms. Soloman, nay; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, nay. Motion passed 5 ayes, 2 nays.

9. 24-03, In Re: Karter Neal, DVM

Dr. Neal was present with attorney David Stoll and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to reject the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 5 ayes, 2 nays (Ms. Soloman and Dr. Nausley).

10. 24-04, In Re: Timothy Betkowski, DVM

Mr. James Freeman was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed 6 ayes, 1 nay (Mr. Loughead).

11. 24-05, In Re: David Toomey, DVM

Mr. James Freeman was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed 6 ayes, 1 nay (Mr. Loughead).

12. 24-06, In Re: Marcella Granfone, DVM

Mr. James Freeman was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed 6 ayes, 1 nay (Mr. Loughead).

13. 24-07, In Re: Brandi Mattison, DVM

Mr. James Freeman was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed 6 ayes, 1 nay (Mr. Loughead).

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 23-146: In Re: Lorna Lanman, DVM

Dr. Lanman was present with attorney David Stoll, made statements and answered questions. Staff members Ms. Destiny Vasquez and Ms. Cailan Billings were present, made statements and answered questions. Ms. Terri Hailey was present telephonically, made statements and answered questions.

After discussion and consideration, a motion was made by Dr. Thompson and seconded by Mr. Loughead to find Dr. Lanman in violation of:

- **A.R.S. § 32-2232 (21)** failure to maintain adequate medical records with respect to not documenting communication with the pet owner as to what was transpiring with the dog regarding the surgical procedure and what was recommended ~~at~~ after the dog was discharged;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (7)** failure to document in the medical record the concentration, amount, frequency, and route of gabapentin that was administered to the dog; and
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (8)** failure to document in the medical record the concentration, amount and frequency of gabapentin that was prescribed to the dog.

Motion passed unanimously.

2. 24-38: In Re: Audie Wood, DVM

Dr. Wood was present, made statements, and answered questions. Ms. Cassandra Benhof was present telephonically, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to find Dr. Wood in violation of:

- **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide professionally acceptable procedures for making pets wait for euthanasia services in order to perform other procedures on them without the knowledge or consent of the pet owner;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (4)** failure for a veterinarian to examine an animal prior to vaccines being administered; and
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (5)** failure for a veterinarian to provide a tentative or definitive diagnosis of animals receiving treatment.

Motion passed unanimously.

3. 23-136: In Re: Estevan Fernandez, DVM – Continuance of Informal Interview of November 15, 2023, for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law, and adopting an Order.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughead to adopt the Findings of Fact and Conclusions of Law as drafted. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughead to issue Dr. Fernandez an Order that includes a period of **Probation for 1-year to obtain an additional six (6) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those six (6) hours shall be in:

- **Four (4) hours** in Geriatric Medicine; and
- **Two (2) hours** in Opioid Administration.

Roll call: Mr. Loughead, aye; Dr. Thompson, aye; Ms. Solomon, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 23-80: In Re: Dawn Hunsberger, VMD. Monthly appearance required by Interim Consent Agreement (ICA). Board may review, discuss, and take action on information presented and may amend ICA.

Dr. Nausley was recused. Dr. Hunsberger was present in compliance with her Interim Consent Agreement. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Solomon to adopt the Findings of Fact and Conclusions of Law in the ICA as amended and turn the ICA into a **final Consent Agreement** which includes Dr. Hunsberger stepping down to quarterly appearances before the Board and testing for alcohol only. Roll call: Mr. Loughead, aye; Dr. Thompson, aye; Ms. Solomon, aye; Dr. Jaynes, aye; Ms. Creager, aye; and Dr. Wright, aye. Motion passed: 6 ayes, 1 recusal.

2. Combined cases 22-136 & 23-03: In Re: Maya Bellapianta, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on compliance with consent agreement and other information presented and may amend ICA.

- At 10:38am, a motion was made by Ms. Solomon and seconded by Dr. Thompson to go into executive session for legal advice. Motion passed unanimously.
- At 11:03am, the Board went back into open session.

Dr. Bellapianta was present with attorney Lisa Bivens, made statements, and answered questions. The Board requested Dr. Bellapianta to respond within 20 days to the new communications received by the Board.

A motion was made by Ms. Solomon and seconded by Mr. Loughead that Dr. Bellapianta obtain a new counselor – the Board granted Ms. Whitmore the authority to approve - within 30 days of today's date; schedule the appointment within 60 days; and provide a report - an evaluation and treatment plan - to the Board within 90 days based on Dr. Keene's evaluation. The visits with the counselor should be 60-minute sessions. Motion passed unanimously.

3. 23-72: In Re: Simon Escalada, DVM. Board may review, discuss, and take action on Continuing Education Plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Solomon to approve six (6) of the nine (9) hours of continuing education submitted in compliance with Dr. Escalada's Board Order. The Board denied the two (2) hours of medical record keeping submitted by Dr. Escalada and requested him to resubmit three (3) hours of medical record keeping continuing education prior to the end of the 60-day time period to submit his continuing education plan. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on veterinary license applications:

a. Corry Key, DVM

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to approve applicant Key's veterinary license application. Motion passed unanimously.

2. Board may review, discuss, and take action on request from the Pitcairn Institute of Veterinary Homeopathy to approve the February 2024 annual meeting for continuing education credit for Arizona licensees and certificate holders.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Solomon to approve 8.5 hours of continuing education from the Pitcairn Institute of Veterinary Homeopathy February 2024 annual meeting; those courses include:

- Metabolic Syndrome: A Current Epidemic (2 hours)
- The Miasms: A Closer Look (2 hours)
- Rubric Study (1.5 hours)
- Epidemics and Homeopathy: Then and Now (1 hour)
- Homeopathy for Horses (1 hour)
- Treating Complicated Chronic Cases (1 hour)

Motion passed unanimously.

3. Board may review, discuss, and take action on premises inspection results:

a. P0512: Coolidge Veterinary Hospital. Audie Wood, DVM.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Nausley to open an investigation with respect to Responsible Veterinarian Audie Wood, DVM and her non-compliant premises. Motion passed unanimously.

b. R2597: Quartz Mountain Animal Hospital. Diego Florez, DVM.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Solomon to open an investigation with respect to Responsible Veterinarian Diego Florez, DVM and his non-compliant premises. Motion passed unanimously.

c. R4056: Danza Del Sol Veterinary Medical Center. Kellie Shamrell, DVM.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Solomon to open an investigation with respect to Responsible Veterinarian Kellie Shamrell, DVM and her non-compliant premises. Motion passed unanimously.

d. R1504: Aztec Animal Hospital. Diego Florez, DVM

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Solomon to open an investigation with respect to Responsible Veterinarian Diego Florez, DVM and his non-compliant premises. Motion passed unanimously.

4. Board may review, discuss, and take action on Interagency Service Agreement with the Arizona Department of Administration, Central Services Bureau for financial services.

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to approve the Interagency Service Agreement with the Arizona Department of Administration, Central Services Bureau for financial services. Motion passed unanimously.

5. Board may review, discuss and take action on Investigative Committee applicants:

a. Donald Boucher

No action taken. Mr. Boucher unable to pursue a position on the Investigative Committee.

b. Stanley Rubin, DVM

Dr. Rubin appeared telephonically, made statements, and answered questions. After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to appoint Dr. Rubin to the AM Investigative Committee. Motion passed unanimously.

c. Gordon Bennett

Dr. Nausley was recused. Mr. Bennett was present, made statements, and answered questions. After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to appoint Mr. Bennett to the PM Investigative Committee. Motion passed 6 ayes, 1 recusal.

6. Board may review, discuss, and take action on information received regarding Timothy Chiasson, DVM.

Dr. Nausley was recused. After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Solomon to open an investigation. Motion passed 6 ayes, 1 recusal.

7. Board may review, discuss, and take action on request for approval of Continuing Education credit for the American Association of Swine Veterinarians 2024 Annual Meeting, February 24-27, 2024.

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Dr. Wright to approve a total of 20 hours of continuing education credit American Association of Swine Veterinarians 2024 Annual Meeting, February 24-27, 2024. Pre-conference CE – 8 hours and 12 hours CE conference courses. Motion passed unanimously.

8. Board may review, discuss, and take action on agency fee study report.

No action taken.

VI. REVIEW AND APPROVAL OF MINUTES

1. November 15, 2023 Regular Session

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to approve the November 15, 2023 regular session minutes. Motion passed 6 ayes, 1 abstention (Dr. Wright).

2. November 15, 2023 Executive Session #1

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to approve the November 15, 2023 executive session #1 minutes. Motion passed 6 ayes, 1 abstention (Dr. Wright).

3. November 15, 2023 Executive Session #2

After discussion and consideration, a motion was made by Ms. Solomon and seconded by Mr. Loughead to approve the November 15, 2023 executive session #2 minutes. Motion passed 5 ayes, 1 abstention (Dr. Wright) and 1 absent (Dr. Jaynes).

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R4245: My Pet Market – Biltmore. New Premises. Rose Ann Fiskett, VMD.
2. R4294: Foothills Animal Hospital. New Responsible Veterinarian. Nikki Kelland, DVM.
3. R4295: Petsmart Veterinary Services. New Premises. Jarrod Dorsey, DVM.
4. R4296: Petsmart Veterinary Services. New Premises. Jarrod Dorsey, DVM.
5. R4297: Banfield Pet Hospital. New Responsible Veterinarian. Amy Thomas, DVM.
6. R4298: Animal House Veterinary Clinic. New Responsible Veterinarian. Joshua Martin, DVM.
7. R4300: Chandler Small Animal Clinic. New Owner. Dwight Benesh, DVM.
8. R4301: Healing Trails Veterinary Services PLLC. New Premises. Emily Roth, DVM.
9. R4302: Valley Spay and Neuter. New Premises. Amy Jakobe, DVM.
10. R4305: Casa Grande Animal Hospital. New Responsible Veterinarian. Spencer Sillings, DVM.
11. R4306: Blue Cross Veterinary Clinic. New Owner. Brian Peter, DVM.
12. R4307: Dr. Jaime Rennert – Office. New Premises. Jaime Rennert, DVM.
13. R4310: Deer Creek Animal Hospital. New Responsible Veterinarian. Samantha Lieberman, DVM.
14. R4278: Audrey Yank, DVM. New Premises. Audrey Yank, DVM
15. R4291: Augusta Ranch Animal Hospital. New Responsible Veterinarian. Jamie Despirito, DVM.
16. R4312: Heidi's Village. New Responsible Veterinarian. Marissa Steinberg, DVM
17. R4318: Veterinary Acupuncture and Alternative Medicine. New Address. Pamela Dragos, DVM

**A (4), (5) (8), (10), (11), (12), (16) and (17) were removed from the Consent Agenda.
Approval of Premises Inspections granted.**

B. Approval of Random Premises Inspections – Responsible Veterinarian listed

1. R1446: KC Animal Hospital. Daniel Pirotte, DVM
2. R1452: Ingleside Animal Hospital. Brian Serbin, DVM.
3. R2481: Mobile Stocks of Fisher Equine Dentistry. Richard Fisher, DVM.
4. R2528: Cochise Animal Hospital. Paula Tyler, DVM.
5. R2818: Mule Mountain Animal Hospital. Kim Perkins, DVM.
6. R3488: Ray Veterinary Services. Nichola Ray, DVM.

7. R3491: The Village Veterinary Hospital. Reed Scudder, DVM.
8. P0769: Encanto Mobile Veterinary Services. Virginia Kennaway, DVM.

B (5) was removed from the Consent Agenda

Approval of Random Premises Inspections granted.

C. Approval of Scope Change Request – Responsible Veterinarian listed

1. R4304: White Mountain Animal Hospital. Add Mobile Unit. Peter Alcumbrac, DVM.

Approval of Premises Scope Change Request granted.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Mr. Loughead to **approve** the Consent Agenda as amended. Motion passed unanimously.

Items Removed From The Consent Agenda:

A (4), (8), (10) and (12)

After discussion and consideration, a motion was made by Dr. Wright and seconded by Mr. Loughead to approve the above premises **pending inspection and compliance**. Motion passed unanimously.

A (5), (11), (16), (17), and B (5)

After discussion and consideration, a motion was made by Dr. Wright and seconded by Mr. Loughead to approve the above premises **pending compliance**. Motion passed unanimously.

VIII. SUMMARY OF CURRENT EVENTS

Mr. Loughead announced that the January Board meeting will be his last meeting.

IX. CALL TO THE PUBLIC

No member of the public wished to address the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, January 17, 2024**, beginning at 8:30 a.m. at 1740 W. Adams Street, Board Room "A," Phoenix, Arizona, 85007. One or more Board members may appear telephonically.

XI. ADJOURNMENT

Meeting adjourned at 3:22pm

Respectfully submitted,



Victoria Whitmore, Executive Director